

AO 440 (Rev. 08/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

JEFFREY M. JASKOL and STACEY J. JASKOL
Individually and On Behalf of All Others Similarly
Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, M.D.,
THOMAS D. DAVIS, BRUCE C. HAYDEN, and
GRANT THORNTON LLP,

SUMMONS IN A CIVIL CASE

Case Number: 05 - 268

TO: Edward G. Newman
XYBERNAUT CORPORATION
c/o The Prentice-Hall Corporation System, Inc.
2711 Centerville Road, Suite 400
Wilmington, DE 19808

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Seth D. Rigrodsky (DSBA #3147)
Ralph N. Sianni (DSBA #4151)
Brian D. Long (DSBA # 4347)
MILBERG WEISS BERSHAD & SCHULMAN LLP
919 N. Market St., Suite 411
Wilmington, DE 19801
Telephone: (302) 984-0597; Facsimile: (302) 984-0870

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK

DATE

5/4/05

Brian T. Gane

(BY) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action -

RETURN OF SERVICEService of the Summons and Complaint was made by me¹

DATE

5-5-05 @ 145

NAME OF SERVER (PRINT)

Marshal Monroe

TITLE

Process Server

Check one box below to indicate appropriate method of service

☐

Served personally upon the defendant. Place where served: _____

☐

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____

☐

Returned unexecuted: _____

☒

Other (specify):

served Mary Drummond at Registered Agent
Corporation Service Corp 2711 Center Street
Wilmington DE 19808**STATEMENT OF SERVICE FEES**

Travel

Services

Total

DECLARATION OF SERVER

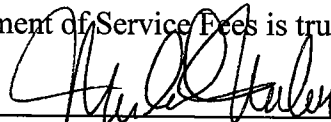
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

5-5-05

Signature of Server



Address of Server

457th St Wilmington DE
19801

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.